

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

_____	)	
	)	
UNITED STATES OF AMERICA	)	
	)	
v.	)	No. 16-10094-LTS
	)	
ROSS MCLELLAN,	)	
Defendant	)	
_____	)	

**UNOPPOSED MOTION TO TEMPORARILY MODIFY CONDITIONS OF RELEASE**

Now comes the Defendant, Ross McLellan, by and through undersigned counsel, and hereby respectfully moves this Honorable Court, pursuant to 18 U.S.C. §§ 3142 and 3143, for an Order temporarily modifying his present conditions of release, Dkt. 11.

As grounds and reasons therefore, Mr. McLellan states the following:

1. On April 6, 2016, Mr. McLellan was ordered released on conditions that were secured by a \$250,000 property bond, Dkt. 22. The bond was secured by a deed, an escrow agreement, and a mortgage (in favor of the Clerk for the District Court of the District of Massachusetts) to the family's home in Hingham, MA and this bond was continued at sentencing;<sup>1</sup>

2. Mr. McLellan has fully complied with all of his conditions of release;

3. Mr. McLellan's wife, Lisa, is presently seeking to open a \$200,000 line of credit collateralized by the Hingham, MA property in order to cover future household expenses in the event Mr. McLellan's request for Bail Pending Appeal is denied;

<sup>1</sup> The Hingham, MA property is held in fee-simple by Ms. McLellan.

4. Ms. McLellan has applied for a line of credit with Bank of America, however, her application was denied because of the \$250,000 mortgage that is presently securing Mr. McLellan's bail;

5. If the current \$250,000 encumbrance were to be temporarily removed by this Honorable Court, Ms. McLellan would be able to secure the requested line of credit. After securing the line of credit, Ms. McLellan would then execute and record a new mortgage in favor of the Clerk for the District Court of the District of Massachusetts to secure Mr. McLellan's bail;

6. The family's home in Hingham, MA has a net equity of over \$1 million, *i.e.*, the value of the home is more than enough to cover the \$200,000 credit line and Mr. McLellan's \$250,000 appearance bond;

7. Furthermore, the deed and escrow agreement securing Mr. McLellan's appearance bond would remain untouched;

8. Accordingly, Mr. McLellan respectfully requests this Honorable Court to temporarily modify his conditions of release by (1) Ordering the Clerk for the District Court of the District of Massachusetts to execute the Discharge of Mortgage, attached hereto as Exhibit 1; and (2) by allowing Mr. McLellan's appearance bond to be temporarily unsecured until his wife obtains the \$200,000 line of credit, followed (3) by the execution of a new mortgage that would be recorded after the line of credit issues.

**WHEREFORE**, Mr. McLellan respectfully requests that this instant motion be allowed.

**COMPLIANCE WITH LOCAL RULE 7.1(a)(2)**

Undersigned counsel conferred with counsel for the government, and the government, by and through Stephen E. Frank, does not object to the defendant's request.

Respectfully Submitted,  
Ross McLellan  
By His Attorney,

**/s/ Martin G. Weinberg**  
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Dated: November 1, 2018

**CERTIFICATE OF SERVICE**

I, Martin G. Weinberg, hereby certify that on this date, November 1, 2018, a copy of the foregoing documents has been served, via electronic mail, upon Assistant U.S. Attorney Stephen E. Frank.

**/s/ Martin G. Weinberg**  
Martin G. Weinberg